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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,266	03/05/2002	Gael Mace	PF010020	6430

7590

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EXAMINER

NGUYEN, CINDY

ART UNIT

PAPER NUMBER

2161

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/091,266

Applicant(s)

MACE ET AL.

Examiner

Cindy Nguyen

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 7-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 7-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/04/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/23/06 has been entered.

### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 7-9, 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higgins et al. (US 6587480) (Higgins) in view of Kobayashi et al. (US 20030179719) (Kobayashi).

Claims 1, 7, 8, 11 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Higgins et al. (US 6587480) (Higgins).

Regarding claim 1, Higgins disclose: Method for isochronous file transfer in a network for transmission of audio/video data, comprising the steps, at the level of a client application of:

- requesting the opening of an isochronous connection between a client device and a source device (340, 350, fig. 5 and corresponding text, Higgins);
- specifying a file to be transferred in isochronous manner over the connection (col. 15, lines 65 to col. 16, lines 8, Higgins); requesting initiation of the file transfer from the starting point (col. 15, lines 31-48, Higgins)

However, Higgins didn't disclose: specifying a starting point, within said file, and from which the transfer is to be carried out. On the other hand, Kobayashi discloses: specifying a starting point, within said file, and from which the transfer is to be carried out (col. Paragraphs 0087-0090). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the steps for specifying a starting point which the transfer is to be carried out in the system of Higgins as taught by Kobayashi. The motivation being recognize easy the maximum transfer rate between the source and the destination, without complex analysis even a bus resetting is generated in the course of transmission of the information data, also it can restart the communication of the information data, utilizing thus recognized maximum transfer rate.

Regarding claim 2, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Higgins/ Kobayashi discloses: wherein said request for initiation is made to a file manager functional component module for managing a file system of isochronous files and asynchronous files on a recording medium holding the file to be transferred (paragraphs 0086-0090, Kobayashi). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the steps for request for initiation is made to a file manager functional component module for managing a file system of isochronous files and asynchronous files on a recording medium holding the file to be transferred in the system of Higgins as taught by Kobayashi. The motivation being to enable the system provided the digital interface for isochronous and asynchronous transfer mode for transmitting of video data or audio data.

In addition, Higgins/Kobayashi discloses: wherein said file manager functional component module provides an application programmable interface for access by said client application (col. 9, lines 43-60, Higgins).

Regarding claim 7, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Higgins/ Kobayashi discloses: wherein said starting point is specified in the request for opening the connection (col. 15, lines 31-48, Higgins).

Regarding claim 8, all the limitations of this claim have been noted in the rejection of claims 1 and 2. In addition, Higgins/ Kobayashi discloses: Higgins/ Kobayashi discloses: Device for connection to a network for transmission of A/V data, comprising: a recording

medium for storing isochronous files (col. 15, lines 31-48, Higgins); a functional components module providing an application programmable interface for access to said recording medium by a client wherein the application programmable interface comprises a method for transferring an isochronous file over an isochronous connection to the client starting from a starting point in the file, specified by the client (fig. 3 and corresponding text and col. 14, lines 61 to col. 15, lines 15, Higgins).

Regarding claim 11, all the limitations of this claim have been noted in the rejection of claims 1 and 2. In addition, Higgins/ Kobayashi discloses: method for isochronous file transfer in a network for transmission of audio/video data, at the level of a source device comprising a recording medium for storing isochronous file, comprising the steps of: receiving from a client a method call for transmitting an isochronous file over an isochronous connection with the client, from a starting point specified in the request (340, 350, fig. 3 and col. 14, lines 54 to col. 15, lines 31, Higgins); initiating the file transfer from the starting point (col. 15, lines 31-48, Higgins).

Regarding claim 14, all the limitations of this claim have been noted in the rejection of claim 11. In addition, Higgins/ Kobayashi discloses: wherein the method call is a method call for setting up the isochronous connection (col. 14, lines 16-48, Higgins).

Regarding claim 9, all the limitations of this claim have been noted in the rejection of claim 8. In addition, Higgins discloses: wherein the application programmable interface comprises : methods for acting upon isochronous connections and files (col. 14, lines 61 to col. 15, lines 11, Higgins); methods for acting upon asynchronous connections and files

(paragraphs 0086-0090, Kobayashi); file type independent methods for acting upon both asynchronous and isochronous files (paragraphs 0086-0090, Kobayashi).

Claims 10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higgins et al. (US 6587480) (Higgins) in view of Kobayashi et al. (US 20030179719) (Kobayashi) and further in view of Katz et al. (US 6356971) (Katz).

Regarding claim 10, all the limitations of this claim have been noted in the rejection of claims 8 or 9 above. However, Higgins/Kobayashi didn't disclose: wherein the application programmable interface further comprises methods for acting upon directories of both asynchronous and isochronous files. On the other hand, Katz discloses: wherein the application programmable interface further comprises methods for acting upon directories of both asynchronous and isochronous files (col. 6, lines 41-45, Katz). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include methods for acting upon directories of both asynchronous and isochronous files in the system of Higgins/Kobayashi as taught by Katz. The motivation being to enable the user to organize the collections of specific multimedia files in a network directory.

Regarding claim 12, all the limitations of this claim have been noted in the rejection of claim 11. In addition, Higgins/Katz discloses: wherein the called method is part of an application programmable interface of a file manager functional component module for managing the recording medium, further comprising the step of having the source device establish, using its local registry service (col. 14, lines 34-48 and 15, lines 31-48, Higgins), a

Art Unit: 2161

global directory comprising directories of all file manager functional component module compatible devices (420, fig. 4A\_D, Katz).

Regarding claim 13, all the limitations of this claim have been noted in the rejection of claim 12. In addition, Higgins discloses: further comprising the step of including directories of devices managed by an AVDisc functional component module in the global directory (3 ½ floppy A, quantum C, driver D, E, ... etc. fig. 4B, Katz).

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*cn*

Cindy Nguyen  
April 23, 2006

*Frantz Coby*  
**FRANTZ COBY**  
PRIMARY EXAMINER